

VIA EFS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of:	:		
Luciano A. Gonzales, <i>et al.</i>	:		
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Conf. No.: 4058	:	Group Art Unit:	1724
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Appln. No.: 10/689,937	:	Examiner:	Ivars C. Cintins
	:		
Filing Date: October 21, 2003	:	Attorney Docket No.:	054034-1US
	:		(34111-0489)
Title: Method and Apparatus for Oil Spill Containment	:		

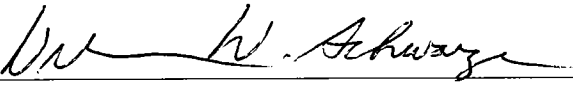
RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT UNDER 37 C.F.R.
§ 1.121

This is in response to the Notice dated June 16, 2006 (Paper No. 20060608) in the above application. The Examiner contends that the Amendment filed March 15, 2006 is non-compliant because the status identifiers for claims 9, 11-21 and 26-31 are incorrect, since these claims were non-elected in the response to Restriction and Election of Species Requirement dated December 19, 2005. The Examiner argues that these claims should be marked with the status identifier “withdrawn” or “withdrawn – currently amended.” This position of the Examiner is clearly incorrect, and reconsideration is respectfully requested.

Thus, no claims have been withdrawn by the Examiner. It is true that all of the claims are subject to restriction and/or election requirement. It is also true that Applicants provisionally elected the group and species on which claims 1-8 and 22-23 are readable. However, Applicants traversed the restriction and election of species requirements, and no further action has been received from the Examiner to repeat the requirements or make them final. Therefore, no claims have yet been withdrawn. Accordingly, Applicants’ status identifiers are perfectly correct, and the Notice of Non-Compliance is improper.

Applicants deplore the Examiner's delay in further action on the merits of this application and request an immediate further action on the merits in order to advance the prosecution. Reconsideration and rescinding of the Notice of Non-Compliant Amendment are requested.

Respectfully submitted,
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June 30, 2006 By: 
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